IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

LAW OFFICES OF SHIMSHON WEXLER, P.C., a New York professional company, individually and as the representative of a class of similarly-situated persons, Plaintiff, v. AICOM SOLUTIONS LLC d/b/a AICOM CORPORATION; TIME WARNER CABLE LLC d/b/a SPECTRUM; TIME WARNER CABLE MEDIA LLC; CHARTER COMMUNICATIONS INC.; CHARTER COMMUNICATIONS OPERATING LLC; and JOHN DOES 1–10, Defendants.	Case No. 1:17-cv-1084-MHC CLASS ACTION

DECLARATION OF SHIMSHON WEXLER

I, Shimshon Wexler, declare as follows:

1. I have personal knowledge of the following facts, and, if called as a witness, I could and would competently testify thereto.

2. I am the sole owner and employee of Law Offices of Shimshon Wexler, P.C. ("Wexler, P.C." or "Plaintiff"). I have been the sole owner and employee of Wexler, P.C. since its inception in May 2010.

3. On or about December 14, 2016, Wexler P.C. received a five-page advertisement by fax that is attached as Ex. A to Plaintiff's Amended Class Action Complaint. (ECF 41-1) (the "subject fax"). I received the subject fax through Wexler P.C.'s fax number (917) 512-6132.

4. Page three of the subject fax states that Wexler P.C.'s address is 2710 Broadway, 2nd Floor, New York, NY 10025. *Id.* That was not and is not true.

5. I moved Wexler P.C. out of 2710 Broadway, 2nd Floor, New York, NY in or around March of 2012.

6. In July 2013, I moved out of the state of New York, and in September 2013, I relocated to Georgia with my family. I still reside in Georgia. Wexler P.C. merely maintains a mailing address in New York. Since relocating to Georgia in 2013, I have practiced law from within Georgia, and I have used my fax number, discussed below, for all Wexler P.C. faxing purposes.

7. Page three of the subject fax lists Wexler P.C.'s phone number as (212) 760-2400. *Id.*

8. In August or September 2010, Wexler P.C. purchased the phone number (212) 760-2400 on Ebay. Originally, Wexler P.C. used (212) 760-2400 as a landline phone. In June 2013, I transferred (212) 760-2400 to be a Verizon wireless number. Wexler P.C. still uses (212) 760-2400 as its main telephone number.

9. I first obtained (917) 512-6132 as Wexler P.C.'s fax number in August 2010. Since August 2010, Wexler P.C. has used MyFax to send and receive faxes. MyFax allows Wexler P.C. to send and receive faxes online. Wexler P.C. still uses (917) 512-6132 as its main fax number.

10. Wexler P.C. has not received facsimile messages in New York since I moved out of New York in July 2013.

11. When I received the subject fax in December 2016, I resided in Georgia, and Wexler P.C.'s office was in Decatur, Georgia.

12. To the best of my recollection, I first opened the subject fax while sitting at my desk in Decatur, Georgia.

13. It is my understanding that the Charter Defendants have filed pleadings, attaching a declaration, stating that prior to sending the subject fax, an employee of AICOM spoke with me by telephone and obtained prior express permission or consent to send fax advertisements to me.

14. To the best of my knowledge and recollection, I have never had any telephone conversation with anyone from AICOM.

15. Wexler P.C. does not invite or permit advertisements to be sent to it by facsimile.

16. At no time did I invite or permit AICOM to send Wexler P.C. or me any advertisement by fax.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 5, 2017

Shimshon Wexler